

AO 91 (Rev. 02/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
Southern District of TexasUnited States District Court  
Southern District of Texas  
FILED

MAR 21 2015

United States of America

v.

1) Billy Richard TIDMORE Jr US YOB 1990  
2) James Marcus MALONE US YOB 1973Case No. M-15-0419-M*Defendant*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 03/20/2015 in the county of Hidalgo in the Southern District of  
Texas, the defendant violated 21 U. S. C. § 841 and 846  
, an offense described as follows:

knowingly and intentionally possess with intent to distribute over 5 kilograms or more, that is approximately 16.48 kilograms of Methamphetamine, and did conspire to possess with intent to distribute over 5 kilograms or more of Methamphetamine, a schedule II controlled substance.

This criminal complaint is based on these facts:

See Attachment "A"

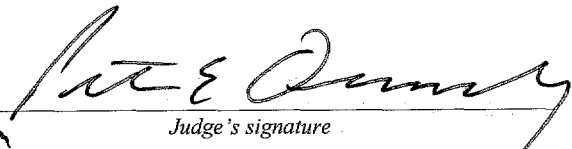
☒ Continued on the attached sheet.*Complainant's signature*

Nathan Stoltz, HSI Special Agent

*Printed name and title*

Sworn to before me and signed in my presence.

Date:

March 21, 2015  
4:08pm  
*Judge's signature*

City and state:

McAllen, Texas

Peter E. Ormsby, U.S. Magistrate Judge

*Printed name and title*

**Attachment "A"**

On March 20, 2015, at approximately 1245 hours, a Dodge Ram displaying Texas license plate DYGI495 arrived at the Hidalgo, Texas Port of Entry (POE). The driver, identified as Billy Richard TIDMORE Jr, gave a negative declaration, stated he was on his way home to Alabama, and was referred to secondary for further inspection. Shortly thereafter, a Chevrolet Tahoe displaying Alabama license plate 50AC447 arrived at the Hidalgo, Texas POE. The driver was identified as James Marcus MALONE and the passenger was identified as Felicia Beatrice CALDWELL. After receiving a negative declaration the Tahoe was referred to secondary for further inspection.

During secondary questioning TIDMORE and MALONE denied knowing each other. The Ram was referred for Gamma-Ray inspection, which produced anomalies in the undercarriage of the Ram. A narcotic detector dog inspection of the Ram produced an alert to the underside of the ram. Further inspection of the Ram resulted in the discovery of a white powdery substance that field tested positive for Methamphetamine concealed within the muffler. The muffler was found to contain 30 bundles of Methamphetamine with a total weight of 14.68 kilograms.

At approximately 1645 hours, U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations, McAllen, Texas (HSI McAllen) Special Agent (SA) N. Stoltz arrived at the POE to conduct interviews and initiate an investigation. Also present during the interviews was U.S. Customs and Border Protection Officer (CBPO) R. Montero.

SA Stoltz advised TIDMORE of his Miranda rights. TIDMORE acknowledged that he understood his Miranda rights and waived them orally and in writing. TIDMORE made the following non-verbatim statements: TIDMORE and MALONE were instructed to go to Mexico to drive a pickup truck back. TIDMORE and MALONE were also instructed to use a cover story of MALONE dropping TIDMORE off to be with his recently deported girlfriend. TIDMORE, MALONE, and CALDWELL drove down together in the Tahoe from Alabama. TIDMORE was suspicious and knew something was wrong. TIDMORE thought there could have been a small amount of marijuana in the Ram or that it was likely stolen. TIDMORE was being paid \$200.00 to drive the truck across.

SA Stoltz advised MALONE of his Miranda rights. MALONE acknowledged that he understood his Miranda rights and waived them orally and in writing. MALONE made the following non-verbatim statements: MALONE was driving TIDMORE down to Mexico to be with his recently deported girlfriend. MALONE was introduced to TIDMORE just prior to the trip by a mutual friend. Their mutual friend and his girlfriend rode down with them in the Tahoe from Alabama to somewhere around the Houston area. Their mutual friend and his girlfriend stayed at a hotel in the Houston area. MALONE was asked what the real purpose of their trip to Mexico was and he stated that he didn't know for sure, he can only assume. When asked what his assumption was MALONE stated he didn't want to answer that question without a lawyer present because it would incriminate himself. At that point, MALONE was not asked any more questions, but remained in the room. Without being questioned by anyone, MALONE continued to freely speak and stated that he didn't know if he dropped TIDMORE off to be in a parade, or visit his

girlfriend, or to drive a load of "dope" across the border. MALONE said he can only assume that's what TIDMORE did; drive a load of "dope" across in the Ram. MALONE stated he has done "criminal stuff" in the past, but nothing like this. MALONE freely admitted to being a Methamphetamine user himself. During the time that MALONE was making these statements he had not been informed as to why he was being detained; he was not advised that there were narcotics in the Ram. MALONE began asking SA Stoltz questions, such as what this was all about, why he was being detained, and what was going to happen to him. SA Stoltz asked MALONE if he wanted to continue talking to us. MALONE stated that he did. SA Stoltz informed MALONE about the Methamphetamine discovered in the Ram and that he did not believe his story about dropping TIDMORE off to see his girlfriend. MALONE stated that was the story he told himself to believe and admitted to knowingly dropping TIDMORE off to pick up the Ram. MALONE told them not to tell him what was going on because he didn't want to know all the details. MALONE got lost briefly when trying to return to the U.S. and got delayed. MALONE figured he and CALDWELL would be out of the area before any of this happened, referring to the inspection of the vehicles. MALONE's mutual friend with TIDMORE, the one staying in the Houston area hotel, told him to just bring TIDMORE down and drop him off, that's what MALONE kept telling himself. MALONE dropped their mutual friend off in Houston because he didn't want to go through the checkpoints. MALONE stated they used him as much as they used TIDMORE. MALONE stated his girlfriend, CALDWELL, was more innocent than he was.

SA Stoltz advised CALDWELL of her Miranda rights. CALDWELL acknowledged that she understood her Miranda rights and waived them orally and in writing. CALDWELL made the following non-verbatim statements: CALDWELL has been sick for a while; she has strep throat and was losing her voice. CALDWELL had been dating MALONE for a couple of weeks. MALONE asked her to accompany him to drop TIDMORE off to see his girlfriend, who had been recently deported. CALDWELL first met TIDMORE when they picked him up for the trip. CALDWELL was asleep for the vast majority of the time they were in the vehicle. She only woke up to use the restroom or when they stopped for the night. CALDWELL had no knowledge of the narcotics or that the real reason for the trip was to drop TIDMORE off so he could drive the Ram back to the U.S.

SA Stoltz contacted Assistant United States Attorney (AUSA) S. Schammel and informed him of the facts regarding the case. AUSA Schammel advised that federal prosecution would be accepted on TIDMORE and MALONE.